G.M — 1910

281 § 1910

Sl. no. 1-6.

Proposal to prohibit Govt Servants from taking long lease inorder to practice at the Bar or to exercise any other Profession or calling.

Previous references.
G.C. File No. 78 of 1853-54.
R. 574 of 1874 1-2 F VIII 70.

1904-11.
(Genl. Misc.)

G.M. File No. 261-10
Serial Nos. 1 & 6

Later references.
L R. 580-1186-1-4.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 & 6

Part B. for August 1911

SUBJECT.

Proposal to prohibit Govt servants from taking long leave in order to practise at the bar or to exercise any other profession or calling.

To the Heads of depts & Dy: Commsrs of Dts. G. 6024-71 of 20.4.11
Passes orders prohibiting Govt servants from taking leave for practising as lawyers or pursuing any other profession.

To the Heads of Depts & Dy: Commsrs of Dts. G. 7526-73 of 28 6/11
. Modifies the above order.

G. R. S. 58

C. N. Krishnaswamy 25-8-11

G.R.S. 11] 190–11

GENERAL AND REVENUE SECRETARIAT

(Gen-Misc.)

NOTES.

File No. 261-10

FILE HEADING.

Prohibition against Govt. Servants taking long leave with the object of practising the legal or other profession-

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

B

NOTES—First sheet.

GPB—15,000—24-4-09

Serial No.

w L.R. 54/1910.
S. P.
Dewan's 31-10.

Dewan's orders on the application of a clerk for combined leave (privilege leave combined with leave without allowances) to enable him to practise at the Bar:—

Extract

"The leave may be sanctioned—[I doubt that this will be strictly correct—But there are precedents for it—and if at all, we have to prevent future applications of this kind by Special order—Please draw up a case and ask for Financial Secy's opinion on the propriety of granting the leave sought]".—

2. The Mysore Service Regulations regulate the periods for which leave with or without allowances may be granted to the Officers of the State, but the purposes for which such leave may or may not be granted have not been definitely laid down anywhere—

Q

3. Notification No. E.S. 15/8/95 issued by the Chief Court of Mysore, says that persons in the public Service who wish to enrol themselves as Pleaders may do so within a prescribed time provided they resign the public Service or obtain leave on forfeiture of full pay

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

and apply for enrolment with the permission of the Head of the Dep^{t} in which they may be employed.

4. Art 292 (iii) of the N.S.R. ~~above~~ lays down ~~states~~ that the Govt may condone any interruption, not exceeding three years, in the Service of an Officer, if during ~~that~~ the period of such interruption he was actually practising as a Pleader or Advocate.

5. Moreover as Art 133 of the N.S.R. ~~above~~ prescribes the maximum leave that may be granted to an Officer, there seems to be no objection to grant leave on forfeiture of pay, up to the limit prescribed, for practising at the Bar.

6. Subd for orders with Mr. Paramanawa ~~DS~~ 2/9 Dyer's case, which is in point. ~~However in the above case [illegible]~~ The break in his Service of 1 y 1 m 18 days during which he was practising as an advocate, was condoned after his appointment as Proby Assistant Commr. But it is to be noted that he was first granted leave for 2 years not for practising, but on private affairs. ~~[illegible]~~

X No. 3809-10 & 137
20.5.92.
Flag O.

NOTE—Contn. sheet.

8/2/10
BK
3/9/10

GPB—55,000—27-4-09

Serial No.

1. The question is not so much whether under the existing provisions of the Service Regulations an Official may be given leave to enable him to practise law as whether it is desirable to allow him to do so. If the provisions stand there seems to be no objection to the grant of leave. But it seems to be undesirable to allow a man to have a lien on an appointment to which he has no idea of returning if he is successful in his professional career and a rule preventing Officials in service from being given leave to practise should be introduced in the interests of the efficiency of service. It is a very common thing for young graduates to enter the service and then take a course in law and try their luck at the bar. Those finally make very discontented Officials who have not much heart in their work.

2. B. & H.

5/9/10.

Sta. Mis: 201

Sta. and 5/9/10

Leave of any kind may be granted

NOTE—Contn. sheet.

GPB—55,000—27-4-09

F. R. S. 12]
General and Revenue Secretariat.

Gen File No. 261 of 1910

Serial No.

8. no one is entitled to any leave under the mysore Service Regulations and if in any the case, it should be considered that granting of any leave is considered detrimental to the interests of the Public service, the Govt are perfectly at liberty to decline the request for leave it. In this view it does not seem necessary to introduce any rule of the kind in question, unless it is thought necessary to have a specific rule in the Service Regulations, absolutely prohibiting the grant of leave to any one intending "to try ones" luck at the bar".

9. It is, however, most respectfully submitted that it does not appear that the Public Service is likely to suffer in any way by allowing a few of its servants to take leave, with a view to qualifying themselves for the bar, since most of them are sure to return either after passing their law examinations or after a hard and brief legal existence. For the vast majority of people, who from force of circumstances are obliged to clutch at the first opportunity of a small clerical appointments, so that they may have a lien on the same are just those, who may safely be expected to return to their posts (with this additional qualification) and need be not be apprehended to be lost to the service.

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

lost to the Service. For it is a well known fact that the bar is none too remunerative lucrative – at any rate to the beginner and the kind of person referred to above, with rare exceptions, is (generally) that sort of person who is blessed with not blessed with sufficient means to carry on the preliminary struggle incidental to the a beg lawyer's life or if possessed of means is to thereof thrifts an individual to waste his money on a job which will not bring him quick returns. Such persons therefore are sure to return & claim their posts. It does not at all appear that the Public Suffers in any way by the reclamation return these sadder but wiser men. Their legal knowledge and the lawyer's life only a brief spell of it, though it might have been, it cannot be said, are not qualifications, calculated to stand them in good stead in their future world. The fact of their holding appointments already, if anything may operate to induce them to return to their posts sooner and in preference to other walks of life that may lie before them, which they would have otherwise been induced to try.

GPB—50,000—12-8-10

Serial No.

261

10. The rules as they stand at present are sufficient as ppl can always decline to grant leave. On the merits of the case it may be stated that the person who has asked to be given such or the leave stating leave makes a convenience of the office which is not quite just. Of course the granting of the leave is for the benefit of the employee & may also be to the detriment of the employer. As a rule permission should be refused, unless it is desirable to get rid of a person altogether.)

K
8.1910.

11. To have to make arrangement for work by acting or S.P.T. appointments is oftentimes inconvenient. Such inconvenience is justifiable if it is for the benefit of an office who has taken long leave on account of illness or for the purpose of recuperating himself after years of hard work with the idea of returning to fast work fresh & vigorous. But to suffer such inconvenience, in order to allow an office to try his luck at the bar cannot be reasonable. The office goes away for two or three years. If the head of the office knew that the vacancy would be permanent he could select a suitable person & employ him. But no suitable man will

NOTE— Contn. sheet.

GPB—50,000—12-8-10.

Serial No.

as a rule care to come & leave work for two or three years when there is every chance of his being thrown out during or at the end of that period. Some less satisfactory arrangement has therefore to be made; and even if the pleader proves successful at the bar & the vacancy becomes permanent it would be difficult to change the arrangements, at this stage & make better arrangements without causing much disappointment to the men working in the meantime.

12. I would therefore make it a rule that Govt servants on leave should under no circumstances be allowed to join the bar.

13. The Chief Court circular of 1895 says that a Govt servant may be enrolled as a pleader if he takes leave without pay. But an officer cannot take or be granted leave without pay when some other leave is by rule admissible (art 209 in S.R.). The result will therefore be that while officers with no furlough, or private affairs to attend to, at their credit could take leave without pay & join the bar, officers with such leave at their credit could not avail of the privilege. To do away with such anomalies and to secure settled & whole-hearted work from officials (many of whom would otherwise be unsettled & occupied with preparations for legal career) it seems desirable to make a rule as suggested above.

Mancell 28/10 Heswood

NOTE— Contn. sheet.

GPB—50,000—12-8-10

Serial No.

Leb
BK.
29/10/10

Leg/ 1910.

I am in entire agreement with the views recorded above as to the inconvenience of officials taking leave & joining the bar. The chief Court circular of 1895 prescribes the consent of the head of the Dept as a necessary condition for the man's enrolment as an ~~advoc~~ pleader ~~of the C~~ in Mysore but cases might occur of a man being already enrolled as an advocate before taking up service or of practising outside Mysore while on leave. A circular might be issued to heads of Depts & Offices that except in very special cases leave should not be given to an official to allow of his practising at the bar & that any leave given should be cancelled & the official recalled to duty or asked to resign if it is found that he has taken leave on some other pretext & is actually practising at the bar. The rule

Labour Secl. original file 1910 L12 54 & 55 1/13 Sept

Encl. - File obtained from Private Secy & portfolio. Raj P.

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

might be extended to the practice of professions or arts other than the law for cases have occurred of officials (including menial servants) carrying on trade or working as teachers in private schools during leave, the leave being often obtained ostensibly to recruit one's health or to attend to private affairs.

CSB
8/12/10

Dewan)

9/12
9.12.10

15. I think that the rule should extend not merely to practising at the bar but also to the exercise of any profession or calling —

Circulate to Committee

CSB
8/12/10

16. Circulate

CSB
20/12/10

17

I agree. A case in point was that of Hospl asstt Radhakrishnamurthy who took long leave & carried on business as Chemist & Druggist for years

GPB—55,000—27-4-09

Serial No.

to the detriment of the Hospl Asstt service and the demoralization of the Hospl asstts in active service. If a Government Official wishes to pursue any other calling or to try his chances in that line he should be made to resign his connection with Government service.

Hall

25/2/14

18 It is not always that it is difficult to make acting arrangements in the ~~case~~ grades especially of clerks among whom such cases are likely to occur oftenest. Under the rules in force, no one is of right entitled to leave, and whenever it is difficult to make proper arrangements or otherwise expedient to grant leave, the Official Superior is ~~th~~ free to decline to grant leave.

19 It is difficult for ~~th~~ young men educated at great expense often to get a decent start in life. If it is [illegible]

Serial No.

They deserve some sympathy in their early struggles, and if without detriment to the public service, we can allow them an opportunity of testing whether they are likely to succeed better elsewhere, I would not grudge to do so. When an official wishes to take leave to study something connected (& sometimes unconnected) with the department in which he is employed, we often not only give him leave, but often help him in other and more substantial ways. Yet his object is also to better his own position primarily, and is no more altruistic than that of a clerk on 40 Rs trying whether he can get a little more if he goes to practise as a pleader.

20 I would let matters stand as they are, and leave it to Govt or to heads of offices to deal with cases as they arise on their individual merits. The conduct of persons who

GPB—50,000—12-8-10

Serial No.

wish to take leave for carrying on some business is not so bad as of some who engage themselves in trade (either by stealth or by sufferance) while in service. Such cases, I believe, sometimes occur are not altogether absent.

21 If a rule is to be made, it is quite clear that it should be a general one and not directed only against practising at the bar.

Hon
26/2/11

Dewan

10-379
3.3.11

cm
3/3/11

GPB—50,000—12-8-10

Gen. 261—10. C. 220. 22. 2. 1911

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Question of making a rule prohibiting Govt servants from taking long leave in order to practise at the bar or to exercise any other profession or calling.

CIRCULATED TO COUNCILLORS.

By Order,

22nd Febry 1911. (~~1910.~~)

C S Balasundaram Jr
Offg Secretary to Government.

K. P. Puttanna Chetty, Esq.,
First Councillor.

Seen by the Cr

C 134 H. V. Nanjundayya, Esq., M.A., M.L.,
Second Councillor.

GPB—500—7-1-10

Gen 261-10

(44)

G.R.S. 15]

Facing sheet for Cases included in the schedule appended to Notification No. 36 of the 8th Aug. 1902.

GENERAL AND REVENUE SECRETARIAT

SUBJECT

Question of making a rule prohibiting Govt. servants from taking long leave in order to practice at the bar or to exercise any other profession or calling.

	Date	Initial of Officer himself or responsible Deputy
Received in the Secretariat		
Submitted to Secretary		
Submitted by Secretary to Dewan or Councillor in charge		
Returned to Secretary		
Circulated by Secretary for Council ...	22. 2. 1911.	
Forwarded by Councillor		
Forwarded by Councillor		
Received in Secretariat		
Considered in Council		
Submitted to the Dewan		
Submitted to His Highness		
Orders passed by His Highness		
Final Orders issued		
Circulated to Councillors		
Passed on by the Councillor ...		
Returned to Secretary by Councillor ...		

GBPM—8-6-1910—300

15

15

Submitted to His Highness.

I submit for orders the accompanying file of papers regarding a suggestion made by me to make a rule prohibiting Government servants from taking leave in order to practice at the bar or to exercise any other profession or calling.

2. The First Councillor is in favour of the proposal, but the Second Councillor is, for reasons given in his minute dated the 26th February 1911, for letting matters stand as they are.

3. The chief reason why such a rule seems necessary is this. When acting arrangements are made the temporary officials are in perpetual danger, and therefore in perpetual fear, of being displaced, which is not conducive to the efficiency of the public service. It may be that the Head of an office, out of personal sympathy with an official who has worked under him, gives the leave, but when he is transferred and another officer succeeds him the latter officer is powerless to alter the arrangements made by his predecessor and has to put up with what is

often an inefficient arrangement.

25 4. I submit the matter for His Highness'orders.

Y

20/11

(17)

R.T. 31

Res No 193 E of 1910-11

20.2.11
1857

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to prohibit Government servants from taking leave in order to practice at the bar or to exercise any other profession or calling.

529

Order.

I agree with the Dewan

~~KRW~~

22/3/11

Secy.

Draft

2/4/3/11

23/3/11

23/3/11

27/3/11.

G. R. S. 12]
General and Revenue Secretariat.

Govt File No. 261 of 1910.

Serial No.

NLR. 1 & 3

98 Draft order subd

Ly. 114 dtd 28/3/11 Legy) 29-3-11. 1.4.11

Dro

99 Issue

17

17+/4

To Hds of Deptts + DC's of Dts. No. Cs 6024-71 Dy 20.4.11

Passes orders prohibiting Govt servants from taking leave for practising as lawyers or pursuing any other profession.

P. T. O

NOTE—Contn. sheet.

GPB—55,000—27.4.09

(19)

Jun 261—10

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Mis Reg[r] No. 237 of 1910-11.
G

30

Submitted to the Secretary

The Dewan wishes to see the file relating to the G.O. No. Ft 6024-71 dated Ft.M. 261-10-1 the 20th April 1911 prohibiting Government Servants from taking leave for practising as lawyers or pursuing any other profession.

C.E. Rama Rau
16.6.11.

V
16/6/11
Put up at once
17.6.11

31

31 The file referred to is herewith submitted.
17-6-11 GPB—30,000—23-2-11

Sub to Dewan.
17.6.11

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

12105/1861

25/6/11

Secy

Please see overleaf
17 June 61

P.W. 261-10 (20

Underseey Mr Ramanujam's
Diary (Routine note of 17 June 11).

173
C.

35 I have already asked that the last clause in Jaipur book of 20 April 1911 [2] and that any leave already granted ----- While on leave [4] may be cancelled

2 If this has not already been done, please ~~send me~~ issue this accompany draft immediately -

36 3 I want I have the explanation from Mr Ramanujam why this clause was inserted at all - Manifestly unjust & incorrect it is contrary to my note of 17 May 10 -

12105
18.6.11

27 June 11

37 Put up. Issue the draft as above, and resubmit. (See para 2 of above order)

28/6/11

Issued and resubmitted

P.B.O. 147
30.6.11. hm.

38 As directed in para 2 of the Dewan's Order, the draft has been issued, it having been ascertained that no such ~~previous~~ order had been previously issued.

39 As regards para 3, I beg to state

P.T.O.

(21)

Serial No.

as follows:-

40 In accordance with the instructions contained in the Dewan's order of 12th August 1910, the subject of granting leave to officials to practise at the Bar & was separately taken up for consideration ~~and discussion~~. In the course of the discussion the Offg Secy noted that "a circular might be issued to Heads of Depts and Offices that except in very special cases leave should not be given to an official to allow of his practising at the bar and that any leave given should be cancelled and the Offl recalled to duty or asked to resign, if it is found that he has taken leave on some other pretext and is actually practising at the bar." (Vide para 14 in notes above). The Dewan thereupon ordered the matter to be circulated to Councillors, ~~adding~~ observing that the prohibition should extend not merely to practising at the bar, but also to the exercise of any profession or calling." (Para 15 of notes). The submission note to His Highness, after the minutes of the Councillors had been recorded, was in general terms in the matter of making a rule prohibiting the grant of leave in the cases under

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

Consideration. The approval of His Highness having been received, a draft was put up embodying the ~~so~~ material suggestions contained in the notes, among which was ~~the portion that one contained~~ the one expressed in the portion now objected to. After approval of the draft by the Secretary, it was issued. It will be seen that in consequence of the subsequent discussions on the subject / and the suggestions contained in it, the observations of the Dewan in the previous ~~and on~~ note of 12th Aug. 10 were not, it was believed, intended to be given effect to

Secretary) 2.7.11

I beg to express regret ~~that~~ for not submitting the draft to the Dewan before issue. The passage to which objection has been taken was apparently taken from my note of 8 Dec 10 (para 14). Both the Under Secy & myself appear to have taken the Dewan's note in para 15 as generally approving of the note in para 14 & hence ~~it adoption is~~ the draft was based on the sentiment expressed in that note on the point of men already on leave.

NOTE— Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

File No. 261 of 19 10-11

Serial No.

Nos. 173 //

[While readily & unreservedly accepting the Decision of the Dewan to modify his order, I would beg to observe that there is nothing inherently wrong in recalling men already on leave, subject of course to giving them reasonable notice according to circumstances.]

12587

Dewan)

CSB 17/7/11

18.7.11

Dewan's order

Seen. File

CSB 14.8.11

GPB—50,000—12-8-10

NOTE— Contn. sheet.

G.R.S. 28.]

(1)

for File No. 261–

Serial No. 1

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

READ—

, *the* 19

Date of issue 20. 4. 11

Signed by Mr. B Ramaswamaiya

ORDER ~~PASSED~~.—No. 26024-71

Instances ~~Case~~ have occurred of ~~It is observed~~ that Govt. servants not infrequently taking long leave with the object of practising ~~as lawyers at~~ the legal or ~~other~~ other profession or ~~legal profession~~ working as teachers in private schools

P.T. over

SUBJECT.

GPB—10,000—9-12-09

or carrying on trade, during
such leave; and that the
Heads of offices are obliged
to make temporary arrangements
for the conduct of official business,
which being temporary are
necessarily unsatisfactory, and not conducive to the
efficiency of the public service.
Govt are of opinion that
Such a state of things detracts
from the efficiency of the public
service and Govt are accordingly pleased to
direct that save in very exceptional
circumstances, no Govt servant should
be granted leave, whether with
or without allowances, to allow
of his practising at the bar
or pursuing any other profession or
calling for profit and that any
leave already given should be cancelled
and the official recalled to duty
or asked to resign his appointment
if it is found that he has taken
the leave or is actually engaged in
any of the above pursuits while on leave.

To
Print
The Heads of Dept's
The Govt. Servants of Dist.

1-4-41

12/4/41
Offg. Secy to Govt. Home

Proceedings of the Government of His Highness the Maharaja of Mysore, General (Miscellaneous), dated 20th April 1911.

No. G. 6024-71—G. M. 261-10-1, DATED BANGALORE, 20TH APRIL 1911.

ORDER.—Instances have not infrequently occurred of Government servants taking long leave with the object of practising the legal or other profession, working as teachers in private schools or carrying on trade, during such leave; and heads of offices are obliged in such cases to make temporary arrangements for the conduct of official business which are necessarily unsatisfactory. Such a state of things detracts from the efficiency of the public service and Government are accordingly pleased to direct that save in very exceptional circumstances, no Government servant should be granted leave, whether with or without allowances, to allow of his practising at the bar or pursuing any other profession or calling and that any leave already given should be cancelled and the official recalled to duty or asked to resign his appointment if he is actually engaged in any of the above pursuits while on leave.

C. S. BALASUNDARAM IYER,
Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Heads of Departments.
The Deputy Commissioners of Districts.

Exd.—C. R.

1910-11

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

GENERAL (MISCELLANEOUS)

PROCEEDINGS

Dated 20th April 1911

No. G. 6024-71
G. M. 261-10-1

Passes orders prohibiting Government servants from taking leave for practising as lawyers or pursuing any other profession.

GPB—2-5-11—400

Dft

(4)

28/6

Proceedings of the Govt of H. H.
the Maharaja of Mysore.

Order: G. 7526-73
d: 28.6.11. Gm 261-10-6

Govt are pleased to direct that the last clause of G. O. No. G. 6024-71 dated G. M. 261-10-1 20th April 1911, viz- and that any leave already given should be cancelled and the official recalled to duty or asked to resign his appointment if he is actually engaged in any of the above pursuits while on leave - may be ~~or~~ cancelled, so that the order in question may apply only to cases arising after the 20th April 1911. Thus modified the order will read as follows: —

"Instances have not infrequently occurred of Govt servants taking long leave with the object of practising the legal or other profession, working as teachers in private schools or carrying on trade, during such leave; and heads of offices are obliged in such cases to make temporary arrangements for the conduct of officials business which are necessarily unsatisfactory. Such a state of things detracts from the efficiency of the public service and Govt are accordingly pleased to direct that save in very exceptional circumstances, no Govt servant should be granted leave, whether with or without allowances, to allow of his practising at the bar or pursuing any other profession or calling.

Private

28/6/11
Dfg Secy
Revs Genl Depty

28 June 11

The Heads of Departments.
The Dy Commrs of Districts.

28/6/11

Proceedings of the Government of His Highness the Maharaja of Mysore, General (Miscellaneous), dated 28th June 1911.

No. G. 7526-73—G. M. 261-10-6, DATED BANGALORE, 28TH JUNE 1911.

ORDER.—Government are pleased to direct that the last clause of Government Proceedings No. G. 6024-71—G. M. 261-10-1, dated 20th April 1911, *viz.*, 'and that any leave already given should be cancelled and the official recalled to duty or asked to resign his appointment if he is actually engaged in any of the above pursuits while on leave,' may be cancelled, so that the order in question may apply only to cases arising after the 20th April 1911. Thus modified, the order will read as follows:—

'Instances have not infrequently occurred of Government servants taking long leave with the object of practising the legal or other profession, working as teachers in private schools or carrying on trade, during such leave; and heads of offices are obliged in such cases to make temporary arrangements for the conduct of official business which are necessarily unsatisfactory. Such a state of things detracts from the efficiency of the public service and Government are accordingly pleased to direct that save in very exceptional circumstances, no Government servant should be granted leave, whether with or without allowances, to allow of his practising at the bar or pursuing any other profession or calling.'

C. S. BALASUNDARAM IYER,
Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Heads of Departments.
The Deputy Commissioners of Districts.

Exd.—C. V.

1910-11

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

GENERAL (MISCELLANEOUS)

PROCEEDINGS

Dated 28th June 1911

No. G. 7526-73
G. M. 261-10-6

Modifies Government Order No. G. 6024-71--G. M. 261-10-1, dated the 20th April 1911, prohibiting grant of long leave to Government servants for practising at the bar or pursuing any other profession.

GPB—10-7-11—400